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Attorneys for Defendants Asha Media and Bhalla

UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA

CHINA CENTRAL TELEVISION, a
China company, et al.

Plaintiffs,

v.

CREATE NEW TECHNOLOGY, (HK)
LIMITED, A Hong Kong Company, et
al.,

Defendants.

Case No. 2:15-cv-01869-MMM
Hon. Steven V. Wilson

**NOTICE OF MOTION AND
MOTION TO ABATE
PROCEEDINGS AGAINST ASHA
MEDIA GROUP, INC.; AND
MEMORANDUM OF POINTS
AND AUTHORITIES**

Date: February 22, 2016

Time: 1:30 p.m.

Crtrm.: 6

Action Filed: March 13, 2015

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT on February 22, 2016 at 1:30 p.m.,** or as
3
4 soon thereafter as the matter may be heard, in Courtroom 6 of the Honorable
5 Stephen V. Wilson, located at 312 North Spring Street, Los Angeles, California,
6 Defendants Amit Bhalla and Asha Media Group, Inc., will and hereby do move
7 this Court for an order to abate proceedings against Asha Media Group, Inc.
8 (“Asha”)
9

10 As set forth in the accompanying declarations and memorandum of points
11 and authorities, all proceedings against Asha should be stayed until the Chapter 7
12 trustee appointed in the Bankruptcy Case is able to evaluate whether to further
13 defend Asha in this case.
14
15

16 Defendants therefore respectfully requests that this Court enter an order
17 granting this Motion abating proceedings, including but not limited to discovery
18 and mediation, against Asha, and such other and further relief as the Court deems
19 appropriate.
20

21 This Motion is based upon this Notice, the Memorandum of Points and
22 Authorities, the attached Declaration of Suzy Tate (**Exhibit 1**) and the attached
23 [proposed] Order Granting Amit Bhalla’s Motion to Abate proceedings, including
24 but not limited to discovery and mediation, against Asha Media Group, Inc., and
25
26
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28

1 any additional evidence and arguments as may be presented at or before any
2 hearing on this matter.
3

4 This motion is made following conference of counsel by e-mail
5 correspondence to Plaintiff's counsel, pursuant to Central District Local Rule 7-3,
6 on January 19, 2016.
7

8 Dated: January 19, 2016

/s/ Mark G. Clark

Mark G. Clark (*Pro Hac Vice*)

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11 U.S.C. § 362.5

MEMORANDUM OF POINTS AND AUTHORITIES

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1. On January 13, 2016, Mr. Bhalla filed a voluntary petition under Chapter 7 of the Bankruptcy Code in the Middle District of Florida, Tampa Division (Case No. 8:16-bk-00265) (the “Bankruptcy Case”) (Dkt 168).

2. As a result of the filing of the Bankruptcy Case, certain acts and proceedings against Mr. Bhalla and his property are stayed as provided in 11 U.S.C. § 362.

3. On September 28, 2015, Asha assigned its assets for liquidation in Hillsborough County Circuit Court in Florida (Case No. 15-CA-007919) (the “Asha Assignment”) (Dkt 114).

4. Pursuant to Florida Statute Section 727.105, the filing of the Asha Assignment essentially operates as a stay with respect to certain proceedings. Furthermore, the exclusive remedy of an unsecured creditor of Asha is to file a proof of claim in the assignment for the benefit of creditors case. See, *Hillsborough County v. Lanier*, 898 So2d141(Fla. 2d DCA 2005).

5. Plaintiffs in this case filed proofs of claims in the Asha Assignment.

6. Because of the Asha Assignment and the Bankruptcy Case, Defendant Bhalla does not intend to further defend Asha in this instant case and has so advised its counsel in this case.

7. Further, because of the filing of the Bankruptcy Case, Mr. Bhalla’s

1 interests in Asha, as the sole owner of Asha, became property of the bankruptcy
2 estate so he cannot make decisions in regards to Asha only a trustee appointed in
3 the Bankruptcy case can make those determinations which is unlikely given the
4 Asha Assignment liquidating Asha's assets.
5

6 8. Asha therefore has no one with authority to attend mediation and
7 further all its assets are subject to the Asha Assignment for the benefit of its
8 creditors.
9

10 9. Accordingly, all proceedings against Asha should be stayed until the
11 Chapter 7 trustee appointed in the Bankruptcy Case is able to evaluate whether to
12 further defend Asha in this case.
13

14 Respectfully submitted this 19th day of January, 2016.
15

16 /s/ Mark G. Clark
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Attorneys for Defendants Asha and Bhalla

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of January, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System.

/s/Mark G. Clark
Mark G. Clark (*Pro Hac Vice*)
TRAVERSE LEGAL, PLC

Attorneys for Defendant Asha and Bhalla